

REMARKS

Applicants propose to amend claims 8, 10, 18, 20, and 22-41 to correct informalities. Claims 1-41 are pending in this application.

Objection to Claim 18 and 41

The Examiner objected to claims 18 and 41 because both recite the language "can be used," which the Examiner alleges to be "optional recitation indicating the limitation following never having to take place and thus the step of the claim not to carry any patentable weight" (Office Action, pg. 2, paragraph 3).

Applicants respectfully disagree with the Examiner's argument. Claims 18 and 41, as amended, recite, "the content key has added thereto frequency information that limits the number of times the content key can be used" (emphasis added). The phrase "that limits the number of times the content key can be used" describes the recited "frequency information," thereby limiting claims 18 and 41. Thus, the Examiner should withdraw this objection to claims 18 and 41.

§ 101 Rejection of Claim 1

Applicants respectfully traverse the rejection of claim 1 under 35 U.S.C. § 101 as directed to non-statutory subject matter. The Examiner alleges that claim 1 is "not statutory because it merely recite [sic] a number of computing steps without producing any tangible result and/or being limited to a practical application" (Office Action, pg. 2, paragraph 5).

To satisfy the requirements of 35 U.S.C. § 101, the claimed invention as a whole must at least accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." *State Street Bank & Trust Co. v. Signature Financial*

Group Inc., 149 F. 3d 1368, 1373, 47 USPQ2d 1596, 1601-1602. Independent claim 1 recites a method comprising “storing a content key encrypted with a first storage key, content data encrypted with the content key, and a second storage key in the user equipment …; at the key management unit, decrypting the encrypted content key using the first storage key, the first storage key being stored in the key management unit …; [and] at the user equipment, decrypting the encrypted content key using the second storage key and decrypting the content data using the decrypted content key.”

Accordingly, the method of claim 1 may be used in “storing a content key …; at the key management unit, decrypting the encrypted content key …; [and] at the user equipment, decrypting the encrypted content key.” Furthermore, “storing a content key,” for example, is a physical operation of storing the “content key” in the user equipment.

Thus, since the method of claim 1 produces a “useful, concrete and tangible result,” this rejection of claim 1 should be withdrawn.

§ 112, Second Paragraph, Rejection of Claims 8, 10, 13, 18, 24-30, 34-37, and 39-41

Applicants respectfully traverse the rejection of claims 8, 10, 13, 18, 24-30, 34-37, and 39-41 under 35 U.S.C. § 112, second paragraph, as indefinite.

The Examiner argues that the recitation in claim 8, at line 6, of “following a predetermined procedure” renders the claim indefinite “since the metes and bounds of predetermined procedure would not be understood by the skilled artisan because such standards are subject to change over time” (Office Action, pg. 3, paragraph 4). The Examiner applies the same argument to claims 10, 13, 28, and 34.

The word “predetermined” is an adjective that modifies the noun “procedure.” The term “predetermined procedure” does not refer to any particular procedure, but

rather to a “procedure” that has been “determined” at a prior time. The adjective “predetermined” does not refer, for example, to a procedure whose “metes and bounds” are “subject to change over time.”

The Examiner also alleges that claims 8, 28, and 34 have insufficient antecedent basis for a recitation of “the data service” at line 5. Claims 8, 28, and 34 are being amended to correct informalities. Thus, this rejection in regard to antecedent basis is believed to be obviated.

§ 102(e) Rejection of Claims 1-41 over Akiyama et al.

Applicants respectfully traverse the rejection of claims 1-41 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,784,464 to Akiyama et al. (“*Akiyama et al.*”).

Claims 1-41 are not anticipated by *Akiyama et al.* because *Akiyama et al.* does not disclose each and every element of independent claim 1, from which claims 2-19 depend, or each and every element of independent claim 20, from which claims 21-41 depend. For example, *Akiyama et al.* fails to teach storing “a content key encrypted with a first storage key, content data encrypted with the content key, and a second storage key,” as required by amended claims 1 and 20.

In the Office Action, the Examiner did not clearly explain the pertinence of *Akiyama et al.* to the claim limitations. “When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained ...” 37 C.F.R. § 1.104(c)(2). For example, the Examiner failed to point out where *Akiyama et al.* allegedly teaches the “content key,”

“first storage key,” “content data,” and “second storage key” recited in claims 1 and 20 (emphasis added). Without knowing what correspondence the Examiner intended between the limitations of the claims and *Akiyama et al.*, it is difficult for Applicants to address the Examiner’s rejection. Thus, it is respectfully requested that the Examiner designate the particular parts of *Akiyama et al.* relied on and their individual correspondence to the limitations that are recited in the claims.

Akiyama et al. teaches “a client authenticating system in a data distributing system having a data supplying apparatus for holding data and a client receiving the data distributed via a communication interface from the data supplying apparatus. The data supplying apparatus comprises a key outputting unit for outputting a first key corresponding to the client [and] a random-number generating element for generating a random number in response to an access request from the client.” (Col. 2, lines 46-49). The data supplying apparatus includes “a first data file 12” and “a second data file 13” (col. 6, lines 49-51). “The first data file 12 is a database stored with a multiplicity of encrypted contents and IDs (title IDs) thereof. The second data file 13 is a database stored with a multiplicity of re-encrypted contents which had been stored in the first data file 12 and re-encrypted by use of a different key and with title IDs thereof.” (Col. 7, lines 1-6.)

The client comprises “a key holding element for holding a second key identical with the first key, a second encrypting element for encrypting the random number with the second key and thereby outputting the second authenticator and a second transmitting element for transmitting the second authenticator to the data supplying apparatus” (col. 2, line 66 to col. 3, line 5).

However, neither the first key nor the second key of the client disclosed by *Akiyama et al.* constitutes “a content key encrypted with a first storage key” because neither of these keys is encrypted with another key. Furthermore, the random number of *Akiyama et al.* does not constitute “content data encrypted with the content key” for at least the reason that the second key used to encrypt the random number in *Akiyama et al.* does not correspond to the “content key” recited in claims 1 and 20, as explained above.

Furthermore, neither the encrypted contents of the first data file (12) nor the encrypted contents of the second data file (13) of the data supplying apparatus taught by *Akiyama et al.* constitutes “a content key encrypted with a first storage key.” For example, neither of these encrypted contents is a “content key” that is used to encrypt “content data” and that is also encrypted with a “first storage key,” as required by claims 1 and 20. The title IDs of *Akiyama et al.* also do not constitute the “content key encrypted with a first storage key,” as recited in claims 1 and 20, for at least the reason that the title IDs of *Akiyama et al.* are apparently not encrypted.

Thus, since *Akiyama et al.* does not disclose each and every element of independent claims 1 and 20, these claims and claims 2-19 and 21-41 that depend therefrom, respectively, should be allowed over *Akiyama et al.* under 35 U.S.C. § 102(e).

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-41 in condition for allowance. Applicants submit that the proposed amendments of claims 8, 10, 18, 20, and 22-41 do not raise new issues or necessitate the undertaking of any additional search of the art by the

Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action by the Examiner presented some new arguments. It is respectfully submitted that the entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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